

HOUSE BILL 1902

By Kernell

AN ACT to amend Tennessee Code Annotated, Section 37-1-110, relative to informal adjustment of referrals in juvenile courts and proceedings.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-110, is amended by deleting the current language in its entirety and by substituting instead the following:

(a) Upon receipt of information which appears to bring a juvenile within the jurisdiction of the court, before or after a petition is filed, the probation officer or other officer of the court designated by it, subject to its direction, shall make or cause to be made a preliminary inquiry and give counsel and advice to the parties with a view to an informal adjustment if it appears:

(1) The facts, if admitted, would constitute probable cause to believe that the child is a delinquent child and bring the case within the jurisdiction of the court;

(2) Counsel and advice without a formal adjudication would be in the best interest of the public and the child; and

(3) The child and the child's parents, guardian or other custodian consent thereto with knowledge that consent is not obligatory.

(b) The giving of counsel and advice cannot extend beyond three (3) months from the day commenced unless extended by the court and does not authorize the detention of the child if not otherwise permitted by this part.

(c) Upon receipt of information that, if true, would constitute one or more of the following offenses, informal adjustment shall not be offered or considered by the probation or intake officer without the prior authorization or approval of the juvenile court:

(1) Any offense involving or resulting in serious and/or significant bodily injury; or

(2) Any sexual offense, found in title 39, chapter 13, part 5.

(d) The court exercising juvenile jurisdiction for each judicial district of this state shall promulgate and adopt written procedures as part of the local rules of court or local rules of practice to implement a program of informal adjustment consistent with and as required by this section and Rule 14 of the Rules of Juvenile Procedure no later than September 1, 2007.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.